

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RURAL)	
WATER ASSOCIATION FOR APPROVAL)	CASE NO.
OF COMMISSIONER TRAINING AND)	2018-00128
CONTINUING EDUCATION CREDIT)	

ORDER

On or about April 10, 2018, Kentucky Rural Water Association (“KRWA”) requested approval and accreditation for a training program to take place on May 22, 2018, and May 23, 2018, at the Hardin County Fairgrounds in Glendale, Kentucky (“Training Program”). Having carefully considered KRWA’s request, the Commission denies the request for approval and accreditation of the Training Program without prejudice.

DESCRIPTION OF TRAINING PROGRAM

The proposed Training Program consists of 21 sessions of varying lengths. Some of the sessions are concurrent, and KRWA does not seek approval for every session for water district commissioners. Rather, KRWA is seeking approval for a maximum of ten hours of credit for water district commissioners over the two-day training program with each commissioner receiving credit only for the portions they attend. The sessions for which KRWA is seeking approval from the Commission are Laboratory Analysis for Water and Wastewater (Part 1); Laboratory Analysis for Water and Wastewater (Part 2); Portable Flow Meters for Validation or Calibration – Know the Difference; Vibration Analysis; Boring for Water and Wastewater Lines; Scanning

Technology for Utility Asset Management (Part 1); Scanning Technology for Utility Asset Management (Part 2); The Advantage of Mini Excavators for Utilities; Pipeline Materials, Pipe Repair, Coupling, and Restraining Methods for Sewer Force Mains and Drinking Water Mains; Leak Detection with Correlators; Chemical Feed Pump Maintenance and Repair; Ductile 101 – Introduction to Ductile Iron Pipe; Aerial Drones for Utilities; Aerial Drones for Inspection of Water Tanks and Utility Assets; Safely Cutting Pipe in a Trench; Line Location Technologies; Fire Hydrant Operation and Maintenance; and Safety Grates and Manhole Safety.

DISCUSSION

KRS 74.010 *et. seq.* authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities. Water districts organized under KRS 74.010, *et. seq.* must be administered by a board of commissioners which shall control and manage the affairs of the district.¹ KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of training regarding the laws governing the management and operation of water districts, and other subjects as determined appropriate by the Commission within 12 months of the commissioners' initial appointment.² KRS 74.020 (6) and (7) encourage water district commissioners who are not serving in their first year to complete six instructional hours of "water district management training approved by the Public Service Commission" in each additional year by allowing the commissioners to receive a raise if they complete that training each year.

¹ See KRS 74.020(1).

² KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

“To ensure the adequacy and consistency of training for newly appointed water district commissioners, the Commission has determined that water district commissioners may no longer satisfy their initial training obligations by taking training courses offered by third parties,” but rather, must complete the initial training offered by the Commission.³ Moreover, the Commission is only permitted to approve a program to satisfy the initial water district training requirements if it deems the program “equivalent to its program of instruction,” which is “intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects [the Commission] deems appropriate.”⁴ KWRA’s Training Program, which is focused on highly specific operational aspects of a water district down to use of specific equipment and which contains no apparent instruction regarding the laws governing the management and operation of water districts, is not equivalent to the Commission’s program of instruction.⁵ Thus, the Commission is not able to approve the Training Program to satisfy the initial training requirements for water district commissioners as set forth in KRS 74.020(8).

The Commission has some discretion in approving “water district management training” offered by third parties to satisfy the six hours of subsequent training described in KRS 74.020 (6) and (7) but is required by statute to ensure that the programs are

³ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 3 (“Water Training Order”); *see also* Water Training Order at 5 (“To satisfy his or her training obligations set forth in KRS 74.020(8), every newly appointed water district commissioner must complete, within the first 12 months following the water district commissioner's appointment, each and every core course described in the Appendix attached hereto, each of which will be offered at each of the Commission's seminars.”).

⁴ *See* 74.020(8)(a).

⁵ *See* Water Training Order at 5, Appendix (describing the Commission’s program).

“high quality” and will “enhance a water district commissioner's understanding of his or her responsibilities and duties.”⁶ Moreover, consistent with 807 KAR 5:070, Section 1, third parties applying for approval of a proposed water district commissioner training program must provide, 30 days prior to the first date on which the course is to be offered:

- (1) The name and address of the applicant;
- (2) The name and sponsor of the program and the subject matter covered by the program;
- (3) A summary of the content of the program in detail sufficient to describe how the program will enhance the management, operation, and maintenance of water treatment and distribution systems;
- (4) The number of credit hours requested for the program;
- (5) The name and relevant qualifications and credentials of each instructor presenting the program.
- (6) A copy of written materials given to water commissioners attending the program; and
- (7) If the program has been certified by an organization that provides training to persons associated with the water industry, the name of the certifying organization and a statement that the certification remains valid.

The Commission also expects written materials to be provided to water district commissioners attending each training session, as indicated in 807 KAR 5:070, Section 1(6), and that those materials will be provided to the Commission for review as part of the request for approval.⁷

Here, KRWA provided short descriptions of the training sessions to be offered and the presenters of each session. Based on those descriptions, the sessions appear to cover highly specific operational aspects of a water district as opposed to the

⁶ See KRS 74.020(7)(c) (stating that the Commission “shall encourage and promote the offering of high quality water district management training programs that enhance a water district commissioner's understanding of his or her responsibilities and duties”).

⁷ Water Training Order 4-5; 807 KAR 5:070, Section 1.

responsibilities and duties of water district commissioners. For instance, KRWA is offering courses on how to use a clamp-on ultrasound device, the advantages and uses of mini-excavators, the use of a Listening Device and Water Leak Correlator (with and without an I-Pad), and the use of Unmanned Aerial Vehicles by utilities and water districts. Moreover, many of the sessions appear to be presented by salespeople for the products that are being demonstrated. Based on the information provided, KRWA has not demonstrated that the Training Program, or portions thereof, will “enhance a water district commissioner's understanding of his or her responsibilities and duties,” which is the stated purpose of the training required by KRS 74.020(6) and (7), and thus, the Commission is not able to approve the Training Program satisfy the training requirements of KRS 74.020 (6) and (7) at this time.

Moreover, the Commission expects the organizers of water district management training programs approved by the Commission to provide written materials regarding the subject matter of each training session to water district commissioners attending the session *and* expects those materials to be provided to the Commission as part of any request for approval to allow the Commission to assess the program to ensure its quality and relevance as required by KRS 74.020(7)(c). KRWA did not provide any written materials to the Commission for review, and it is unclear whether any of the presenters at the Training Program even intend to offer any such materials. Thus, again, the Commission is not able to approve the Training Program to satisfy the training requirements of KRS 74.020 (6) and (7) at this time.

IT IS THEREFORE ORDERED that:

1. KRWA's request for approval and accreditation of the Training Program scheduled to take place on May 22, 2018, and May 23, 2018, is hereby denied without prejudice.

2. KRWA's Training Program may not be used by water district commissioners to satisfy their training obligations pursuant to KRS 74.020(6), KRS 74.020(7), or KRS 74.020(8).

3. Nothing in this order shall be interpreted as preventing KRWA from refiling its request for approval of the Training Program to satisfy the training requirements of KRS 74.020 (6) and (7) in a timely manner with all of the documents required by the Commission as discussed hereinabove and with additional documents and information as necessary to demonstrate how the Training Program will enhance a water district commissioner's understanding of his or her responsibilities and duties.

4. In the event KRWA seeks to file the request, it shall do so 30 days prior to the scheduled date of the program unless it can demonstrate good cause for failing to do so.

By the Commission

ENTERED
APR 18 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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